

UNITED STATES DISTRICT COURT

DISTRICT OF VERMONT

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RICHARD GRAJEDA, III,

Plaintiff(s),

Index No. 2:20-cv-165-cr

-against-

VAIL RESORTS, INC., VAIL MANAGEMENT COMPANY, and

OKEMO LIMITED LIABILITY COMPANY d/b/a OKEMO

MOUNTAIN RESORT,

Defendant(s).

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February 25, 2021

10:30 a.m.

VIDEO RECORDED, VIDEO CONFERENCED
EXAMINATION BEFORE TRIAL of Non-Party Witness
LIZ GILMAN, pursuant to Subpoena, before
Laura B. Lowenthal, a Notary Public within and
for the State of New York.

1 L. Gilman

2 A Yes, sir.

3 (Short break: 11:36 to 11:41)

4 Q Thank you for checking. Were you able
5 to find out approximately or specifically how
6 many tower shields such as the one that we were
7 looking at on the photograph regardless of the
8 amount of cylinders has Gilman Corporation sold
9 to ski areas since it started selling in the late
10 eighties to present?

11 A I have to break it down into a two
12 part answer.

13 Q Okay.

14 A Since 2010 we have sold 434. So if we
15 go back to inception it will be close to a
16 thousand and that would require going through a
17 lot of boxes that pre date our computer system.

18 Q So is it fair to say that as of today
19 approximately one thousand tower shields have
20 been sold by Gilman Corporation to ski areas?

21 A Yes, sir.

22 Q Of those approximate one thousand
23 tower shields that have been sold by Gilman
24 Corporation to ski areas have you ever been
25 advised of any complaints from the ski area about

1 L. Gilman

2 the performance of the tower shields?

3 A No, sir.

4 Q Of those thousand or so tower shields
5 that Gilman Corporation has sold again have you
6 ever been advised that an injury of a skier
7 resulted while impacting one of those tower
8 shields?

9 A No, sir. I am not aware of any, sir.

10 Q For clarity for the record we will
11 deem this photograph that we were looking at as
12 Plaintiff's Exhibit 1 for today and I will make
13 sure to send all the exhibits around to counsel
14 and our court reporter as well as to you Miss
15 Gilman, okay?

16 A Yes, sir.

17 Q It will just be this one photograph
18 that is page 14 of a 20 page PDF of photos we
19 sent to you and this one page we will mark as
20 Plaintiff's Exhibit 1.

21 (Whereupon, Plaintiff's Exhibit 1,
22 photograph, page 14 of 20, was marked
23 for identification.)

24 Q Now I will show you what I would like
25 to mark as Exhibit 2 which is a 12 page PDF

1 L. Gilman

2 A So if the individual were to hit the
3 blue blanket where the cylinders are it is
4 designed to crumple to decelerate him to stop him
5 from actually ending up hitting the metal object
6 behind it. It is impossible to get through the
7 blanket and those two tower cylinders to get to
8 that object.

9 Q The cylinders are they the same height
10 as the blanket? So right now the way we are
11 looking at Plaintiff's Exhibit 1 where we see the
12 blue blanket would it be fair to say that the
13 cylinders run from the top edge of that blue
14 blanket to the bottom edge of that blue blanket?

15 A They are both 72 inches.

16 Q So if they're installed properly the
17 blanket top and bottom should match perfectly
18 with the cylinder top and bottom; is that fair to
19 say?

20 A Again as I explained earlier there is
21 expansion and contraction with ionomer foam.
22 Therefore it could be up a little bit because the
23 blanket could have expanded a little bit or the
24 cylinder could have expanded a little bit. That
25 does not mean that they did not utilize the